Convention on Cluster Munitions

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Review of the status and operation of the Convention
and other matters important for achieving the aims of the Convention
Clearance and destruction of cluster munitions remnants and risk reduction education

Guidelines for the Convention on Cluster Munitions (CCM) Article 4 Extension Requests

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I. Article 4 Extension Request Guidelines

1. The Convention on Cluster Munitions, in its Article 4, envisions that a State Party "undertakes to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in cluster munition contaminated areas under its jurisdiction or control" no later than 10 years after the entry into force of the Convention for that State (or, in case of active hostilities, no later than 10 years after the end of the active hostilities during which such cluster munitions became cluster munition remnants).

2. Should a State Party believe that it will be unable to clear and destroy or ensure the clearance and destruction of all cluster munition remnants within the aforementioned 10 years, it may submit a request to a Meeting of States Parties (MSP) or a Review Conference (RC) for an extension of the deadline, for a period of up to 5 years, although the requested extension shall not exceed the number of years strictly necessary for that State Party to complete its obligations. A State Party could also request an extension for less than 5 years with regard to its fulfilment of its obligations under Article 4.

3. States Parties intending to submit requests are encouraged to seek assistance and input from the CCM Implementation Support Unit (ISU) in regards to the preparation of their request.

4. A request for an extension must be submitted at least 9 months prior to the Meeting of States Parties or the Review Conference at which it is to be considered. The request should be addressed to the current serving President of the upcoming CCM Meeting of States Parties or Review Conference, as well as a copy addressed to the CCM ISU.

5. The CCM ISU will inform States Parties that an extension request has been received and share that extension request with States Parties by making it available on the CCM website.

6. The CCM ISU shall bring the request to the attention of the CCM Coordination Committee. The Coordination Committee will create an *ad hoc* Analysis group, which will consider all requests submitted. The Analysis group can also be created at an earlier stage, at the discretion of the Coordination Committee, in order to assist with the preparation of requests or consultations with requesting States Parties.

7. The Analysis group will prepare a report, with recommendations, and submit that report to the Coordination Committee. After that, the report shall be adopted by the Coordination Committee and submitted by the President to States Parties, to be considered at the next MSP or Review Conference.

8. The Analysis group will be composed of:

- Coordinators on Clearance and Risk Reduction Education
- Coordinators on International Cooperation and Assistance
- Representative(s) of the CCM Implementation Support Unit

9. Expertise to assist during the analysis will be sought from a number of sources, including, but not limited to, the UN and its agencies, the International Committee of the Red Cross (ICRC), the Cluster Munition Coalition (CMC), Geneva International Centre for Humanitarian Demining (GICHD), as well as other organizations and demining experts, as deemed appropriate by the CCM Coordination Committee.

10. In order to avoid conflicts of interest, members of the Analysis group will excuse themselves from analyzing their own government's extension requests as well as in the case of other apparent conflicts of interest. Members of the Coordination Committee will excuse themselves from deciding on their own government's extension requests during Coordination Committee meetings.

11. In analyzing a request, the first Analysis group will create a methodology, to be presented to and adopted by the Coordination Committee, which will be used for all future requests, in order to ensure a uniform approach to all requests. The methodology created will be incorporated into these guidelines, to be presented to States Parties for adoption at the next MSP or Review Conference.

12. The Analysis group will, within four weeks after its creation, present a preliminary report to the CCM Coordination Committee. This preliminary report analyses the comprehensiveness and level of detail of the request, aiming to improve all extension requests and seeking to address any potential shortcomings. The Analysis group may, at any time, ask for clarifications or additional information from the requesting State Party. The requesting State Party may, at any time, submit amendments to its extension request.

13. Once the report is finalized, it shall be offered to the requesting State Party for comments and/or to correct points of fact. After that, based on the report, a draft decision shall be adopted by the Coordination Committee and submitted by the President to States Parties, to be considered at the next MSP or Review Conference.

14. The Meeting of States Parties or the Review Conference will assess the request and decide, in accordance with its rules of procedure, whether to grant the request for an extension. The Meeting of States Parties may decide to grant the request extension in accordance with the request by the State Party, in accordance with recommendations from the report by the Analysis Group, or to grant a shorter extension.

15. States Parties may also propose benchmarks for the extension, should they find it so necessary. Regardless of proposed benchmarks by States Parties, a State Party that has been granted an extension request will submit annual progress reports.

16. An extension to a State Party may be renewed by a period of up to 5 years upon the submission of a new request, in accordance with the Convention and these guidelines. In requesting a further extension, a State Party shall submit relevant additional information on what has been undertaken during the previous extension granted.

17. These guidelines will be reviewed annually by the Coordinators on General Status and Operation of the CCM. Changes, if deemed necessary, shall be proposed to be adopted at the following CCM MSP.

II. Timeline for Article 4 extension requests

18. With CCM Meetings of States Parties typically taking place during the month of September each year, Article 4 extension requests should be prepared, submitted, analysed, and considered in accordance with the suggested timeline below. The timeline always pertains to the next upcoming CCM Meeting of States Parties (MSP) or CCM Review Conference (RC).

Month (Year of CCM MSP/RC)	*Action taken by State Party or CCM ISU / CCM Coordination Committee*
May (MSP/RC Year -1)	State Party starts preparing Article 4 Extension Request, and, if possible, informs CCM ISU of the intent to submit request
May- November (MSP/RC Year -1)	State Party prepares Article 4 Extension Request, consults with ISU and Analysis group as necessary
1 December (MSP/RC Year -1)	State Party submits request to the President, as well as a copy addressed to the CCM Implementation Support Unit
December-June (Year of MSP/RC)	CCM Coordination Committee and the Analysis group analyze the request, working closely with the State Party, to close any gaps in the request; State Party is offered the preliminary report for comments
July (Year of MSP/RC)	The President submits the final report, with recommendations, to all States Parties, for consideration
September (Year of MSP/RC)	States Parties consider the request and decide on granting the extension to the requesting State Party

III. Outline for Article 4 Extension Requests

Article 4 Extension Requests are to be prepared by the State Party as comprehensively as possible in regards to the assessed challenges to fulfilling Article 4 obligations, and regarding the methods and the time period required for those challenges to be met. The document to be submitted should contain the following:

A. Executive Summary

4-10 pages long, summarizing essential details, in accordance with Article 4, paragraph 6 of the CCM

- Duration of the proposed extension (time requested, risks and assumptions)
- Rationale and resource mobilization: Summary explanation of the reasons for the proposed extension, including the financial and technical means available to and required by the State Party for the clearance and destruction of all cluster munition remnants during the proposed extension
- Preparation of future work and the status of work already conducted under national clearance and demining programs during the initial 10 year period and any subsequent extensions
- Summary work plan for period of extension
- Total area containing cluster munition remnants at the time of entry into force of the Convention for that State Party and any additional areas containing cluster munition remnants discovered after such entry into force
- Total area containing cluster munition remnants cleared since entry into force of the Convention (land release methodologies applied)

- Total area containing cluster munition remnants remaining to be cleared during the proposed extension
- Provide full contact details of the national focal person with whom follow-up will be conducted

B. Detailed narrative

Elaborating on the summarized details above, and, inter alia, informing States Parties about the following

- Origins of the Article 4 challenges to meeting the deadline
- Methods used to identify areas containing cluster munitions (in accordance with International Mine Action Standards (IMAS)
- Existing national demining structures and capacities
- Nature and extent of the progress made to date
- Resources made available to support progress made to date
- Methods and standards used to release suspected areas, incl. quality assurance standards
- Efforts undertaken in the effective exclusion of civilians from suspected areas
- Nature and extent of the remaining challenges
- Humanitarian, social, economic and environmental implications of the proposed extension
- Institutional, financial, technical, and human means and resources available and/or necessary in order to meet remaining challenges
- Amount of time requested and reasoning behind the amount of time requested
- Detailed work plan covering the amount of time requested, with measurable benchmarks, including, but not limited to:
    - If necessary, what survey activities will take place to determine actual location, size, and other characteristics of suspected areas?
    - How much area is planned to be released each year of the extension period? (state milestones)
    - What land release methods and standards will be applied?
    - What annual costs are projected, including breakdown of costs?
    - What are the expected sources of funding necessary for implementation of the plan? Describe in detail the State's resource mobilization strategy.
    - What are potential challenges and/or risk factors that may negatively affect the realization of the plan?
- Circumstances that may impede the ability of the State Party to destroy all cluster munition remnants located in areas under its jurisdiction or control during the proposed extension
- Any other information relevant to the request for the proposed extension.
- Attach supporting documents such as the national strategic plan, National Mine Action Standards (NMAS), Risk Reduction Education plan, etc.